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December 23, 2022

VIA ECF

Hon. Paul A. Engelmayer
United States District Court
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: ***In re: One Apus Container Ship Incident on November 30, 2020
1:22-md-03028-PAE (lead case)***
This Letter Motion pertains to:
Damco International B.V., et al. v. The Motor Vessel ONE APUS, in rem, et al., 22-cv-5222
The People's Insurance Company of China (Hong Kong) Ltd. v. Damco International B.V., et al., 21-cv-10113

Dear Judge Engelmayer:

We represent Chidori Ship Holding LLC (“Chidori”) and Jessica Ship Holding S.A. (“Jessica”) making restricted appearances as owners and bareboat charterers, respectively, of the M/V ONE APUS, and NYK Shipmanagement PTE, Ltd. (“NYKSM”) in the above referenced actions. We write on behalf of Chidori, Jessica and NYKSM to respectfully request that this Court grant extensions of time to file responsive pleadings to Damco International B.V. and Maersk Logistics & Services International A/S’s (collectively “Damco”) Complaint in case 22-cv-5222, and Damco’s Third-Party Complaint in case 21-cv-10113, under Federal Rule of Civil Procedure (“Rule”) 12(a)(1)(A)(i). The requested extensions would make Jessica, Chidori and NYKSM’s responsive pleadings in each of the above matters due by February 7, 2023.

Relevant Procedural History

Damco filed its Complaint (case no. 22-cv-05222) against Jessica, Chidori and NYKSM on February 25, 2022. [ECF #1]. Damco served the summons and complaint on December 8, 2022, on Jessica, Chidori and NYKSM consistent with Court’s Order issued December 7, 2022. [ECF # 231].

Hon. Paul A. Engelmayer
December 23, 2022
Page 2



Damco filed its Third-Party Complaint (case no. 21-cv-10113) against Jessica, Chidori and NYKSM on March 11, 2022. [ECF #22]. Damco served the summons and complaint on December 8, 2022, on Jessica, Chidori and NYKSM consistent with the Court's Order issued December 7, 2022. [ECF # 231].

Jessica, Chidori and NYKSM's current deadline to file an answer or otherwise respond to the Damco Complaint (case 22-cv-5222) and Third-Party Complaint (21-cv-10113) is December 29, 2022.

Request for Extension of Time

NYKSM's request for an extensions of time to file a responsive pleadings is made pursuant to your Honor's Individual Rules & Practices in Civil Cases of April 2021, Rule 1(E). This is the first request for an extension of time for responsive pleadings as to the complaints field by Damco. No other requests for extension or adjournments have been granted by this Court with respect to the specific complaints at issue.

The undersigned represents Jessica, Chidori and NYKSM ("Defendants") in these matters. For the sake of efficiency, Defendants respectfully request that their responsive pleading deadlines in these matters be extended to correspond with the current February 7, 2023 deadlines for responsive pleadings in several other MDL matters. (Ex. 22-cv-2406, 22-cv-05221, 22-cv-06384, 21-cv-10554, etc.) The instant requested extensions are consistent with the intentions of the parties with respect to efficient handling of pleadings across the MDL. (See Joint Letter regarding service of pleadings, dated December 6, 2022 [ECF # 230]).

If granted, the new responsive pleading deadlines in the above referenced actions will be February 7, 2023.

The above requested extensions will not affect any other scheduled dates in this matter.

The parties have met and conferred as to the requested extensions of time, and consent has been given by each adverse party. The parties have further agreed that Jessica, Chidori and NYKSM will keep all defenses or objections to these lawsuits, the Court's jurisdiction, and the venue of these actions.

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Hon. Paul A. Engelmayer
December 23, 2022
Page 3



For the foregoing reasons, Jessica, Chidori and NYKSM respectfully request the Court issue an Order granting its request for extensions of time to file responsive pleadings as set forth above.

Respectfully submitted,

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CC by ECF to all counsel of record